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UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

ELIZABETH CROWN, individually and on  
 behalf of all others similarly situated,

Plaintiff,

vs.

HCA HEALTHCARE, INC. and DOES I through  
 10, inclusive,

Defendant.

Case No. 2:23-cv-01871

**STIPULATION TO TRANSFER CASE TO  
 UNITED STATES DISTRICT COURT  
 FOR THE MIDDLE DISTRICT OF  
 TENNESSEE PURSUANT TO 28 U.S.C.  
 § 1404(a)**

Plaintiff Elizabeth Crown (“Plaintiff”) and Defendant HCA Healthcare, Inc. (“HCA”), collectively the “Parties,” by and through their respective attorneys of record, herein stipulate and agree as follows and respectfully request that the Court grant the proposed order to transfer this case to the U.S. District Court for the Middle District of Tennessee:

1. On September 15, 2023, Plaintiff filed a putative class action complaint (“Complaint”) against HCA in the Clark County District Court in the State of Nevada.
2. On October 23, 2023, Plaintiff filed the Waiver of Service executed by HCA.
3. On the date of filing this Stipulation to Transfer, HCA removed the action to this Court.
4. 28 U.S.C. § 1404(a) provides: “For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.”
5. Courts may consider numerous factors in determining whether venue should be

transferred under 28 U.S.C. § 1404(a), including: “(1) the location where the relevant agreements were negotiated and executed, (2) the state that is most familiar with the governing law, (3) the plaintiff’s choice of forum, (4) the respective parties’ contacts with the forum, (5) the contacts relating to the plaintiff’s cause of action in the chosen forum, (6) the differences in the costs of litigation in the two forums, (7) the availability of compulsory process to compel attendance of unwilling non-party witnesses, and (8) the ease of access to sources of proof.” *See Jones v. GNC Fran., Inc.*, 211 F.3d 495, 498–99 (9th Cir. 2000).

6. The Parties agree that transfer to the United States District Court for the Middle District of Tennessee would promote the interests of justice and enhance the convenience to witnesses, access to relevant documents and sources of proof, availability of process, and trial efficiency.

7. HCA is incorporated in Tennessee and its principal administrative offices are in Nashville, Tennessee so the action could have been brought in the Middle District of Tennessee under 28 U.S.C. § 1391(b)(1).

8. There are numerous lawsuits involving substantially the same subject matter and parties pending in the Middle District of Tennessee which have been consolidated as *In re HCA Healthcare, Inc. Data Sec. Litig.* No. 23-cv-00684. These consolidated cases are currently pending before the Middle District of Tennessee, and, if transferred, this case can be consolidated/coordinated for efficiency. *See Silvers v. HCA Healthcare, Inc.*, No. 3:23-cv-00684 (M.D. Tenn. filed July 12, 2023); *Crossman v. HCA Healthcare, Inc.*, No. 3:23-cv-00688 (M.D. Tenn. filed July 12, 2023); *Aragon v. HCA Healthcare, Inc.*, No. 3:23-cv-00696 (M.D. Tenn. filed July 14, 2023); *Rubinfeld v. HCA Healthcare, Inc.*, No. 3:23-cv-00698 (M.D. Tenn. filed July 14, 2023); *Sandstrom v. HCA Healthcare, Inc.*, No. 3:23-cv-00707 (M.D. Tenn. filed July 17, 2023); *Delapaz v. HCA Healthcare, Inc.*, No. 3:23-cv-00718 (M.D. Tenn. filed July 18, 2023); *Abramovic v. HCA Healthcare, Inc.*, No. 3:23-cv-00719 (M.D. Tenn. filed July 19, 2023); *Bowers v. HCA Healthcare, Inc.*, No. 3:23-cv-00722 (M.D. Tenn. filed July 19, 2023); *Coats v. HCA Healthcare, Inc.*, No. 3:23-cv-00723 (M.D. Tenn. filed July 20, 2023); *Coleman v. HCA Healthcare, Inc.*, No. 3:23-cv-00724 (M.D. Tenn. filed July 20, 2023); *Wallace v. HCA Healthcare, Inc.*, No. 3:23-cv-

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00738 (M.D. Tenn. filed July 21, 2023); *Hayes v. HCA Healthcare, Inc.*, No. 3:23-cv-00740 (M.D. Tenn. filed July 24, 2023); *Nelson v. HCA Healthcare, Inc.*, No. 3:23-cv-00744 (M.D. Tenn. filed July 25, 2023); *Walker v. HCA Healthcare, Inc.*, No. 3:23-cv-00748 (M.D. Tenn. filed July 25, 2023); *Simon v. HCA Healthcare, Inc.*, No. 3:23-cv-00774 (M.D. Tenn. filed July 28, 2023); *Dekenipp v. HCA Healthcare, Inc.*, No. 3:23-cv-00785 (M.D. Tenn. filed July 31, 2023); *Hudson v. HCA Healthcare, Inc.*, 3:23-cv-00789 (M.D. Tenn. filed Aug. 1, 2023); *Hinds v. HCA Healthcare, Inc.*, No. 3:23-cv-00794 (M.D. Tenn. filed Aug. 2, 2023); *Bonecutter v. HCA Healthcare, Inc.*, No. 3:23-cv-00812 (M.D. Tenn. filed Aug. 4, 2023); *Glascok v. HCA Healthcare, Inc.*, No. 3:23-cv-00822 (M.D. Tenn. filed Aug. 7, 2023); *M.R. v. HCA Healthcare, Inc.*, No. 3:23-cv-00835 (M.D. Tenn. filed Aug. 9, 2023); *Hahn v. HCA Healthcare, Inc.*, No. 3:23-cv-00874 (M.D. Tenn. filed Aug. 18, 2023); *Sperling v. HCA Healthcare, Inc.*, No. 3:23-cv-00902 (M.D. Tenn. filed Aug. 24, 2023)

9. The Parties agree that transfer to the Middle District of Tennessee is appropriate pursuant to the first-filed doctrine and 28 U.S.C. § 1404(a). *See, e.g., Dang v. TEOCO Corp. Grp. Benefit Plan*, 2023 WL 5925890, at \*1 (9th Cir. Sept. 12, 2023).

10. Additionally, this case is at its preliminary stages—Defendants have not filed a responsive pleading, no discovery has been conducted, and there are no motions or other proceedings pending at this time.

11. This request to transfer venue is not made for purposes of delay or any other improper reason.

DATED this 9th day of November, 2023.

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**KIND LAW**

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By: /s/Michael Kind

By: /s/ Joshua M. Dickey

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**ORDER**

**IT IS SO ORDERED.** This action is hereby transferred to the United States District Court for the Middle District of Tennessee.



UNITED STATES DISTRICT JUDGE

DATED: November 16, 2023